

FISHERIES MANAGEMENT



Virginia has jurisdiction and control over the harvesting of marine fish, including shellfish, that occur in the tidal waters inside the State's boundaries and extending into the Atlantic Ocean three nautical miles. Under certain circumstances Virginia exercises control over fish caught beyond the State's jurisdiction if they are landed in Virginia. Authority to manage fish caught beyond 3 nautical miles out to 200 nautical miles is vested with the Federal government.

VIRGINIA FISHERY LAWS

Virginia's laws concerning marine fishing are found in Title 28.2 of the Code of Virginia. Laws are made and amended by the General Assembly and become effective after signature by the Governor.

Proposed laws, or amendments to existing laws, may be introduced only by a member of the General Assembly. Similarly, ballot referendums to make or amend laws, such as the one in Florida which banned most inshore netting, must be initiated in the General Assembly. Therefore, citizens interested in creating, rescinding or amending laws relating to marine fisheries must do so through bills introduced into the General Assembly by State senators or delegates.

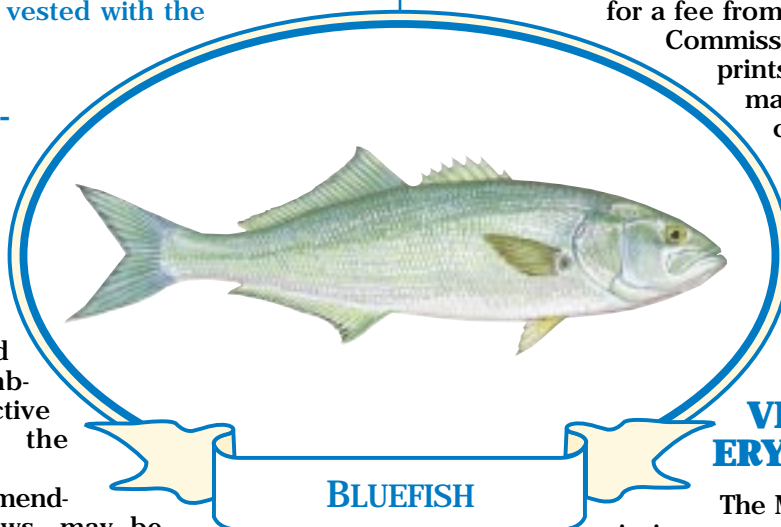
Once a proposal is introduced as a bill, it is assigned to a committee of the House of Del-

egates or the Senate. The committee may hold hearings on the bill or consider it at one of their regular meetings. These events may offer an opportunity for citizens to voice their opinions concerning the bill.

Written communication is another avenue for citizens to express their opinions about a bill. Letters, telegrams, e-mails and facsimile transmissions should be addressed to a specific legislator, should reference a specific bill by its assigned number, and should be clear and concise in conveying the opinions and reasoning of the writers.

The Code of Virginia is found in most public libraries, and reprints of the portions of the Code dealing with marine resources can be obtained for a fee from the Marine Resources

Commission. The number of reprints is limited and are made available on a "first come, first served" basis. A list of State senators and delegates, including their committee assignments and office numbers, can be obtained from the Division of Legislative Services.



VIRGINIA FISHERY REGULATIONS

The Marine Resources Commission manages marine fisheries within Virginia's jurisdiction, pursuant to the power granted to it by the General Assembly. This includes the power to establish licenses, prepare management plans, and adopt regulations concerning the harvest of marine fish.

Regulations have the full force and effect of law, and violations are criminal misdemeanors. The power of the Commission to adopt regulations is broad, but it may not adopt any regulation which is in conflict with statutory law.



Regulations have the full force and effect of law, and violations are criminal misdemeanors.



The adoption or amending of regulations follows a precise procedure set forth in the Code of Virginia. Proposed regulations must be advertised for a minimum of 15 days, and at least one public hearing must be held prior to adoption. Advertisements are done in the daily newspapers in Richmond, Norfolk, and Newport News; often advertisements will appear in other newspapers in localities where a proposed regulation may have a significant impact. Notice of proposed regulatory actions also are posted on the Marine Resources Commission's website.

Citizens may voice their opinions about proposed regulations in person at public hearings or by written, fax or e-mail correspondence addressed to the Commissioner of Marine Resources. Usually, a public hearing will be held at the regularly scheduled meeting of the Marine Resources Commission at which a proposed regulation is scheduled for a vote. Other public hearings may be scheduled in localities where a proposed regulation may have a significant impact. The Marine Resources Commission meets monthly, normally on the 4th Tuesday of each month at its main office in Newport News, and the meetings are open to the public.

Citizens may not directly initiate a proposed regulatory action. Citizens should communicate their proposals for regulatory action to the Commissioner of Marine Resources for possible action.



The Marine Resources Commission uses several advisory committees in the formulation and review of regulatory actions. These committees are: The Finfish Management Advisory Committee, Blue Crab Fisheries Management Advisory Committee, Clam Fisheries Management Advisory Committee, and Shellfish Fisheries Management Advisory Committee; the Recreational Fishing Advisory Board; and the Commercial Advisory Committee. A list of the membership of these committees is available from the Marine Resources Commission.

Advisory committees are composed of citizens, appointed by the Commissioner of Marine Resources, who are knowledgeable and interested in various aspects of marine fisheries. Service on one of these committees is an excellent way to become involved in the fishery management process.

Regulations are deposited with the clerks of the circuit courts of all counties and cities in Tidewater Virginia, and copies can be obtained from the Registrar of Regulations at the Division of Legislative Services or from the Marine Resources Commission. Final regulations also are posted on the Commission's website.

POTOMAC RIVER REGULATIONS

Virginia and Maryland share fishery management authority in the Potomac River (excluding the tributaries) through the Potomac River Fisheries Commission. This Commission, which is composed of citizens from Virginia and Maryland appointed by their respective Governors, exercises complete control over marine fisheries, and its regulations have the full force and effect of law in the courts of both states.

Proposed regulations of the PRFC must be advertised in newspapers of general circulation in counties contiguous to the Potomac River in both states and sent to the clerks of court in those counties for posting. After advertising a proposed regulation, at least one public hearing must be held prior to adoption of the regulation. The PRFC holds meetings as required and announces its meetings in local newspapers. The meetings are always open to the public. Citizens may voice their opinions about proposed regulations in person at the public hearings or in writing to the Commission.

Copies of all current regulations and information about any scheduled meetings may be obtained from the Potomac River Fisheries Commission.

INTERSTATE FISHERIES MANAGEMENT

Many marine fish undertake extensive coastal migrations, passing through the waters of several states. Since the harvest



of fish in one State can affect the conservation of the species and the harvest in other States, coordinated management of fish among all coastal states is desirable.

Interstate management of fish is accomplished through the Atlantic States Marine Fisheries Commission (ASMFC). This body was created by an interstate compact in 1942 which joined all of the Atlantic coast States and Pennsylvania together to develop coastwide fishery management plans. Each member State is represented by its chief marine fisheries officer, a member of its legislature, and a citizen appointed by its Governor.

The compact creating the ASMFC did not provide for the compliance or enforcement of the Commission's management initiatives. The Atlantic Striped Bass Conservation Act (1984) and the Atlantic Coastal Fisheries Cooperative Management Act (1993) provided for federal compliance sanctions for ASMFC management initiatives. States must comply with the management measures adopted by the

ASMFC, or they will be ruled in noncompliance and subject to a federally imposed moratorium on the harvest of the species under management. Compliance involves adopting and providing for enforcement of the ASMFC management initiatives by State law or regulation.

ASMFC fishery management plans are developed through a specific process involving several committees composed of scientists, citizens and fishery managers. A management board, technical committee, plan development team, stock assessment committee, and citizen advisory committee are involved in formulating every management plan. Public input is solicited during the plan development phase and at least four public hearings are held at appropriate sites along the East Coast on every proposed plan. Citizens wishing to voice an opinion about a specific management proposal may appear in person at a public hearing or provide written comments by mail, fax or e-mail to the ASMFC. All meetings of the ASMFC, its Interstate Fisheries Management Board, and the management boards for all species are open to the public.

Prior to implementation of a fishery management plan, and periodically after plan implementation, the stock status of the species involved is reviewed by the stock assessment committee. Compliance with the plan is reviewed annually by the technical committee and the management board.

Information about Commission meetings and operating rules, or fisheries management plans, may be obtained from the Atlantic States Marine Fisheries Commission.

FEDERAL FISHERIES MANAGEMENT

Fishery management in Federal waters (waters 3 – 200 miles off the Atlantic coast) is exercised by the Secretary of Commerce through the National Marine Fisheries Service and Regional Fishery Management Councils. The Regional Fishery Management Councils develop fishery management plans, which become federal law when adopted by the Secretary.

The federal waters off the Virginia coast are under the jurisdiction of the Mid-Atlantic Fishery Management Council, although both the New England and South Atlantic Councils have plans which affect Virginia fishermen. The Mid-Atlantic Council is composed of persons representing the states of Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York and the Northeast Regional Director of the National Marine Fisheries Service.



The development and adoption of fishery management plans follows a specific process, starting when the Council proposes to develop a plan and holds scoping hearings to determine what is known about the fishery and possible management options. The process continues with council meetings, public hearings, review by the Secretary of Commerce, publishing in the Federal Register for further public comment, and formal



adoption (with or without modification) by the Secretary of Commerce. Monitoring committees review compliance with management plans annually, and stock assessment review committees periodically review stock status.

Citizens may express their opinions about federal fishery management proposals in a variety of ways. Comments may be made in person at public hearings or at Council meetings. Written comments may be sent to the Mid-Atlantic Fishery Management Council or may be filed

with the Secretary of Commerce during the comment period noted in the Federal Register.

The meetings of the Mid-Atlantic Council, and its various committees, are open to the public. Dates and locations of public hearings and meetings can be obtained from the Council. Copies of federal fishery management plans can be obtained from the Mid-Atlantic Council or the Northeast Regional Director of the National Marine Fisheries Service.

MARYLAND AND NORTH CAROLINA FISHERY REGULATIONS

North Carolina and Maryland control marine fisheries through laws and regulations. Fishermen should contact the fisheries agency for each state to obtain complete information on their respective laws, regulations and management processes.

REFERENCE MATERIALS

Fishermen wishing insight into fisheries management in general, with specific information on the federal management process, might refer to the following publication: **Fisheries Management For Fishermen: A Manual for Helping Fishermen Understand the Federal Management Process** by Richard K. Wallace, William Hosking and Stephen T. Szedlmayer, report number MASGP-94-012. This 50+ page report describes fisheries management in terms the average fisherman can readily understand. The report was published by the Auburn University Marine Extension & Research Center, 4170 Commanders Drive, Mobile, AL 36615, under a Saltonstall-Kennedy Act grant from the National Oceanic & Atmospheric Administration.

ECONOMIC IMPACT OF RECREATIONAL FISHING

Fisheries management is a complex process involving much more than simply preserving fish. By law management plans must be fair and equitable, must use the best scientific data available, and must consider economic, social and ecological factors while achieving their primary conservation goals.

Recreational fisheries data has not been considerable highly reliable in the past, but recent efforts have made a significant difference. Saltwater recreational fishing license monies have made two significant contributions in Virginia: 1) bolstering the catch and effort surveys used in the Marine Recreational Fisheries Statistics Survey, and 2) producing



a major report of the economic impact of recreational fishing.

The economic impact report, using 1994 and 1995 data, documented recreational fishing as a major industry for Virginia producing nearly one-half billion dollars in annual economic output and providing over 10,900 full-time jobs. This industry was the result of over 2.5 million fishing trips taken annually by over 555,000 saltwater fishermen. Approximately 36% of the anglers

were out-of-state visitors. The single species producing the most economic output was striped bass—almost 95 million dollars annually!

The full report, entitled “Saltwater Angling and Its Economic Importance to Virginia”, was produced by James Kirkley and David Kerstetter in 1997 and copies are available from the Virginia Institute of Marine Science, P.O. Box 1346, Gloucester Point, VA 23062.

MANAGEMENT AGENCIES

Virginia Marine Resources Commission
2600 Washington Ave.
Newport News, VA 23607
Phone: (757) 247-2200
Fax: (757) 247-8101
Website: www.state.va.us/mrc/

Virginia Division of Legislative Services
General Assembly Building
2nd Floor
910 Capitol Street
Richmond, VA 23219
Phone: (804) 786-3591
Website: www.leg1.state.va.us

Atlantic States Marine Fisheries Commission
1444 Eye Street, NW
6th Floor
Washington, DC 20005
Phone: (202) 289-6400
Fax: (202) 289-6051
E-Mail: comments@asmfc.org
Website: www.asmfc.org/

Potomac River Fisheries Commission
P.O. Box 9
222 Taylor Street
Colonial Beach, VA 22443
Phone: (804) 224-7148,
1-800-266-3904
Fax: (804) 224-2712

Mid-Atlantic Fishery Management Council
300 South New Street
Room 2115, Freear Federal Building
Dover, DE 19904
Phone: (302) 674-2331
Fax: (302) 674-5339
Website: www.mafmc.org

NOAA Fisheries
National Marine Fisheries Service
Northeast Region
One Blackburn Drive
Gloucester, MA 01930
Phone: (508) 281-9300

NOAA Fisheries
National Marine Fisheries Service
1315 East-West Highway
SSMC3
Silver Spring, MD 20910
Website: www.nmfs.noaa.gov

Maryland Department of Natural Resources
Tidewater Administration
Tawes State Office Building
Annapolis, MD 21401
Phone: (410) 974-3487
Website: www.dnr.state.md.us

North Carolina Department of Natural Resources & Community Development
Division of Marine Fisheries
P.O. Box 769
Morehead City, NC 28557
Phone: (919) 726-7021
Website: www.ncdmf.net

